

**PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO PARTIALLY
STRIKE THE TESTIMONY OF DEFENDANT JOEL BABB'S
EXPERT GARY D. HASTON**

EXHIBIT E

Babb Deposition Supplement

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION

4 ALEK SCHOTT,

5 Plaintiff,

6 VS.

7 JOEL BABB, in his individual § CIVIL ACTION NO.
8 and official capacity; § 5:23-cv-00706-OLG-RBF
9 MARTIN A. MOLINA III, in his §
10 individual and official §
11 capacity; JAVIER SALAZAR, in §
12 his individual and official §
13 capacity; and BEXAR COUNTY, §
14 TEXAS, §
15 Defendants. §

16 -----
17 ORAL DEPOSITION OF

18 JOEL BABB

19 JULY 15, 2024
20 -----

21 ORAL DEPOSITION of JOEL BABB, produced as a
22 witness at the instance of the Plaintiff(s), and duly
23 sworn, was taken in the above-styled and numbered cause
24 on July 15, 2024, from 9:22 a.m. to 5:19 p.m., before
25 Molly Carter, Certified Shorthand Reporter in and for the
 State of Texas, reported by machine shorthand, at the Law
 Offices of Charles S. Frigerio, 111 Soledad, Suite 465,
 San Antonio, Texas, pursuant to the Federal Rules of
 Civil Procedure.

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A P P E A R A N C E S

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1 you drive your vehicle; is that correct?

2 A Yes, ma'am.

3 Q Then you turn on your lights; is that also
4 correct?

5 A Yes, ma'am.

6 Q So that's the kind of the timeline of events?

7 A Yes.

8 Q Okay. Before we get much further, help me
9 understand Kiki.

10 A Okay.

11 Q Do you know Kiki -- did you know Kiki's real
12 name?

13 A No. I believe that might be his name. I've
14 heard him called that numerous times. Again, he's just
15 the, the Fusion Center guy on that, the WhatsApp.

16 Q Sure.

17 A I don't know him.

18 Q And had you ever met Kiki before?

19 A If I had -- I may have, but I don't know. And
20 the reason I say that is I've been on so many operations,
21 when we hit those houses I'm talking about with the
22 different units, a lot of guys from -- I've been in
23 meetings where there's just tons of people talking, but I
24 don't -- like, again, me and these people aren't, we're
25 not close.

1 Q Sure.

2 A It was business.

3 Q Yeah. And you would say like that this is an
4 important conversation, right?

5 A Yes.

6 Q And you're trying to be really precise --

7 A Yes.

8 Q -- in this conversation. Is that fair?

9 A Yes. Are you talking about the conversation --

10 Q That we're having, you and I, right now.

11 A I'm trying to be, yes.

12 Q Yeah. So I'm just trying to get a sense of
13 that. So you could have met Mr. Kiki, Kiki, at some
14 point, but you can't say for certain yes or no; is that
15 correct?

16 A That is correct.

17 Q And you don't want to be making a mistake.

18 A No. Because the only thing I can tell you --
19 and the reason I'm sounding so vague is because one thing
20 I do know about Kiki when I hear him on the phone, he had
21 a very thick Hispanic accent, and his voice sounded
22 familiar to me, but I don't know if it's from a -- I
23 just -- I remember when I was talking to him thinking in
24 my head like his voice sounded familiar.

25 Q And that's okay. And like you don't --

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1 essentially, if I can give you a snapshot, you don't want
2 it to come out later that you had actually met Kiki at
3 some point and then be accused of lying. Is that fair?

4 A Absolutely.

5 Q Right. And so you're just, you know, being,
6 you know, careful about your words, not committing to
7 anything because you just don't want to make a mistake.

8 MR. LEAKE: Objection, form.

9 A I do not know if I've met him.

10 Q (By Ms. Hebert) Yeah.

11 A I can't answer that question, because I
12 didn't -- what I'm saying is I haven't shaken anybody's
13 hand and said, "Hi, how are you doing? I'm Joel." "Hi,
14 how are you doing? I'm Kiki." So that's why --

15 Q No, I totally understand.

16 A -- I just recognize his voice, ma'am.

17 Q I totally understand. And so you're just --
18 you can't say yes, you can't say no, because you want to
19 be 100 percent correct.

20 A Yes, ma'am.

21 Q So do you know if Kiki was a law enforcement
22 officer?

23 A If he works at a Fusion Center, yes --

24 Q Okay.

25 A -- he should be. He's either that or Border

1 Patrol or -- if I understand correctly, because I've
2 never been in one, a Fusion Center actually consists of
3 federal and law enforcement type units. There's DEA
4 guys, Homeland Security, and it's -- from what I
5 understand, it's everybody in those buildings.

6 Q Sure. And you had never been to the Laredo
7 Fusion Center?

8 A No, ma'am.

9 Q Could the Laredo Fusion Center have private
10 individuals who work there?

11 A Possibly. Again, I don't know what the layout
12 is. I just know it's one of our bases of people that we
13 do get for missions, a lot of information from.

14 Q Sure. And you couldn't pick Mr. Kiki out in
15 like a line of people. You wouldn't know who he was if
16 there was like a lineup?

17 A No, ma'am, not off of face. Like I said, it
18 was the voice that sounds familiar when I talk to him.

19 Q Sure. And how many times would you say you had
20 spoken to Mr. Kiki? I'm going to call him Mr. Kiki
21 because I feel like that's respectful.

22 A Yeah.

23 Q But if not, let me know. How many times had
24 you spoken to Mr. Kiki?

25 A Just that day. Just that day. I don't think

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17 REPORTER'S CERTIFICATION

18 ORAL DEPOSITION OF JOEL BABB

19 JULY 15, 2024
20 - - - - -

21 I, MOLLY CARTER, Certified Shorthand Reporter in and
22 for The State of Texas, hereby certify to the following:

23 That the witness, JOEL BABB, was duly sworn by the
24 officer and that the transcript of the oral deposition is
25 a true record of the testimony given by the witness;

26 I further certify that pursuant to FRCP Rule
27 30(e)(1), that the signature of the deponent:

28 XX was requested by the deponent or a party before
29 the completion of the deposition and returned within 30

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1 days from date of receipt of the transcript. If
2 returned, the attached Changes and Signature Page
3 contains any changes and the reasons therefor;

4 _____ was not requested by the deponent or a party
5 before the completion of the deposition.

6 I further certify that I am neither attorney nor
7 counsel for, related to, nor employed by any of the
8 parties to the action in which this testimony was taken.
9 Further, I am not a relative or employee of any attorney
10 of record in this cause, nor do I have a financial
11 interest in the action.

12 Certified to by me on this 25th day of July 2024.

13
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17 <%signature%>
18
19 MOLLY CARTER, CSR NO. 2613
20 Expires: 04/30/2024
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